

U.S. Serial No. 10/857,693
Applicant: Higgs

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IN THE CLAIMS

Please amend the claims as follows:

1-39. (Cancelled)

40. (Currently Amended) A method of developing a shopping complex and encouraging retail tenants to occupy and lease space within [a] said shopping complex, comprising:

providing a shopping complex under common ownership having a plurality of individual spaces capable of being leased to individual retail tenants;

providing a physical microenvironment within said shopping complex comprising a common area having a theme associated with the goods and/or services to be sold by at least one of said individual retail tenants, wherein the type of goods and/or services that it sells is/are designed to be associated with the theme of said microenvironment;

conducting or having conducted at least one entertaining activity within said microenvironment consistent with said theme designed to entertain customers and attract them to the shopping complex, and have the effect of promoting at least some of the goods and/or services sold by said at least one of said individual retail tenants; and

wherein said at least one activity [is] comprises an ongoing activity [or series of activities] that [extend] extends substantially through multiple seasons of the year and is part of the normal ongoing activity of the shopping complex.

41. (Previously Presented) The method of Claim 40, wherein said at least one activity enables at least a portion of the goods and/or services offered for sale by said at least one of said individual retail tenants to be tried and/or tested by consumers and/or demonstrated in said microenvironment.

42. (Previously Presented) The method of Claim 40, wherein said microenvironment is located indoors, outdoors or both indoors and outdoors, within said shopping complex.

43. (Previously Presented) The method of Claim 40, wherein said theme relates to at least one of the following:

- a. sports and/or other outdoor activities;
- b. fashion design and/or make-up activities;
- c. concerts and/or music activities;

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d. cooking and/or tasting activities.

44. (Previously Presented) The method of Claim 40, wherein said at least one activity comprises one or more taken from the group consisting of the following: a rock climbing wall, a putting green, a golf driving range or net, a wave pool, a wave machine, a skate park, an off-road vehicle course, a simulated skiing machine, a simulated surf machine, a swim exercise pool, an underwater diving tank, an ice skating rink, a basketball court, an exhibition hall, fashion design and make-up activities, concerts or musical activities, and cooking and tasting activities and displays.

45. (Previously Presented) The method of Claim 40, wherein the method comprises selecting at least two individual retail tenants to occupy space within or near said microenvironment, wherein said at least two of said individual retail tenants relate to at least one of the following:

- 1) sports and/or outdoor activities and/or sports related clothing;
- 2) fashion design and/or makeup activities and/or beauty supplies and/or clothing;
- 3) concerts and/or music activities and/or cd's and/or tapes and/or musical instruments; and
- 4) cooking and/or tasting activities and displays and/or cookware and/or unique foods.

46. (Currently Amended) A method of developing a shopping complex and encouraging retail tenants to occupy and lease space within [a] said shopping complex, comprising:

providing a shopping complex under common ownership having a plurality of individual spaces capable of being leased to retail tenants;

providing a physical microenvironment within said shopping complex comprising a common area having a theme associated with the goods and/or services to be sold by at least one of said retail tenants, wherein the type of goods and/or services that it sells is/are designed to be associated with the theme of said microenvironment;

selecting and causing said at least one of said retail tenants to occupy and lease at least one space within or near said microenvironment;

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conducting or having conducted at least one entertaining activity within said microenvironment consistent with said theme designed to entertain customers and attract them to said shopping complex, and have the effect of promoting at least some of the goods and/or services sold by said at least one of said retail tenants; and

wherein said at least one activity comprises an ongoing activity that extends substantially through multiple seasons of the year [~~the above steps are used to encourage retail tenants to occupy and lease said individual spaces within said shopping complex~~].

47. (Previously Presented) The method of Claim 46, wherein said at least one activity enables at least a portion of the goods and/or services offered for sale by said at least one of said retail tenants to be tried and/or tested by consumers and/or demonstrated in said microenvironment.

48. (Previously Presented) The method of Claim 46, wherein said microenvironment is located indoors, outdoors or both indoors and outdoors, within said shopping complex.

49. (Previously Presented) The method of Claim 46, wherein said theme relates to at least one of the following:

- a. sports and/or other outdoor activities;
- b. fashion design and/or make-up activities;
- c. concerts and/or music activities;
- d. cooking and/or lasting activities.

50. (Previously Presented) The method of Claim 46, wherein said at least one activity comprises one or more taken from the group consisting of the following: a rock climbing wall, a putting green, a golf driving range or net, a wave pool, a wave machine, a skate park, an off-road vehicle course, a simulated skiing machine, a simulated surf machine, a swim exercise pool, an underwater diving tank, an ice skating rink, a basketball court, an exhibition hall, fashion design and make-up activities, concerts or musical activities, and cooking and tasting activities and displays.

51. (Currently Amended) The method of Claim 46, wherein said at least one activity is part of the normal ongoing activity of the shopping complex.

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52. (Previously Presented) The method of Claim 46, wherein the method comprises selecting at least two retail tenants to occupy space within or near said microenvironment, wherein said at least two of said retail tenants relate to at least one of the following:

- 1) sports and/or outdoor activities and/or sports related clothing;
- 2) fashion design and/or makeup activities and/or beauty supplies and/or clothing;
- 3) concerts and/or music activities and/or cd's and/or tapes and/or musical instruments; and
- 4) cooking and/or tasting displays and activities and/or cookware and/or unique foods.

53. (Currently Amended) A method of developing a shopping complex and encouraging retail tenants to occupy and lease space within [a] said shopping complex, comprising:

providing a shopping complex having a plurality of individual spaces capable of being leased to individual retail tenants;

providing a physical microenvironment within said shopping complex comprising a common area having a theme associated with the goods and/or services to be sold by at least one of said individual retail tenants, wherein the type of goods and/or services that it sells is/are designed to be associated with said theme of said microenvironment;

conducting or having conducted at least one entertaining activity within said microenvironment consistent with said theme designed to entertain customers and attract them to said shopping complex, and have the effect of promoting at least some of the goods and/or services sold by said at least one of said individual retail tenants; and

wherein said at least one activity [is] comprises an ongoing activity [or series of activities] that [extend] extends substantially through multiple seasons of the year and is part of the normal ongoing activity of the shopping complex.

54. (Previously Presented) The method of Claim 53, wherein said at least one activity enables at least a portion of the goods and/or services offered for sale by said at

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least one of said retail tenants to be tried and/or tested by consumers and/or demonstrated in said microenvironment.

55. (Previously Presented) The method of Claim 53, wherein said theme relates to at least one of the following:

- a. sports and/or other outdoor activities;
- b. fashion design and/or make-up activities;
- c. concerts and/or music activities;
- d. cooking and/or tasting activities.

56. (Previously Presented) The method of Claim 53, wherein said at least one activity comprises one or more taken from the group consisting of the following: a rock climbing wall, a putting green, a golf driving range or net, a wave pool, a wave machine, a skate park, an off-road vehicle course, a simulated skiing machine, a simulated surf machine, a swim exercise pool, an underwater diving tank, an ice skating rink, a basketball court, an exhibition hall, fashion design and make-up activities, concerts or musical activities, and cooking and tasting activities and displays.

57. (Previously Presented) The method of Claim 53, wherein the method comprises selecting at least two retail tenants to occupy space within or near said microenvironment, wherein said at least two of said retail tenants relate to at least one of the following:

- 1) sports and/or outdoor activities and/or sports related clothing;
- 2) fashion design and/or makeup activities and/or beauty supplies and/or clothing;
- 3) concerts and/or music activities and/or cd's and/or tapes and/or musical instruments; and
- 4) cooking and/or tasting displays and activities and/or cookware and/or unique foods.

58. (Previously Presented) The method of Claim 53, wherein said shopping complex is under common ownership.